IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 548 OF 2004

SHRI VASSANT B.SHETKAR(SIN.DEC.) REP.BY L.RS., ...Petitioners

Versus

CABIDO DE SE P.OF C.C.OF ARCHIDIOCESE OF G.& D. & ....Respondents

Mr. S. S. Kantak with Ms. L. Dharwadkar, advocates for the petitioners.

Coram:- R. M. LODHA, J.

Date:- 31st August, 2005

P.C.

Heard Mr. S. S. Kantak, the learned counsel for the petitioners.

In paragraph 10 of the impugned Order the Appeal Court observed thus:-

"10. Since the plaitniffs have not proved their possession to the suit land and since what is paid by them is a small amount of Rs.5,000/-, I am of the view that balance of convenience cannot tilt in favour of the plaintiffs. Any construction, if done by the defendants no.3 and 4 will be at their own risk since the matter is sub-judice and the plaintiffs, if necessary, by way of amendment can, introduce in the main suit a prayer of mandatory injunction of demolition of construction. The defendants have invested a huge amount of Rs.4,50,000/- and they have a registered lease deed in their favour. Hence if they cannot enjoy the suit land they will suffer comparatively more loss, inconvenience and mis-chief if the relief, as prayed for, is granted. Hence no irreparable loss or injury will be caused to the plaintiffs. Therefore, points (b) and (c) are also answered in the negative."

There is not much dispute about the facts noted by the Appeal Court in paragraph 10.

In the circumstances, the impugned Order does not call for any interference in extraordinary jurisdiction.

The Writ Petition is dismissed in limine.

R. M. LODHA, J.